

1 NOAH T. KATZEN
2 Trial Attorney
3 Consumer Protection Branch
4 U.S. Department of Justice
5 P.O. Box 386
6 Washington, DC 20044-0386
7 (202) 305-2428
8 (202) 514-8742 (fax)
9 Noah.T.Katzen@usdoj.gov

10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 STATE OF WASHINGTON, *et al.*,

13 Plaintiffs,

14 v.

15 U.S. FOOD AND DRUG
ADMINISTRATION, *et al.*,

Defendants.

No. 1:23-cv-03026

JOINT STATUS REPORT

16 Pursuant to this Court's October 24, 2023 Order (ECF No. 128), the parties
17 hereby submit this joint status report.

18 On December 13, 2023, the Supreme Court granted petitions for a writ of
19 certiorari in *FDA v. Alliance for Hippocratic Medicine*, No. 23-235, and *Danco*
20 *Laboratories, LLC v. Alliance for Hippocratic Medicine*, No. 23-236. Accordingly,
21 while Plaintiffs do not believe a stay is appropriate, and none is sought at this time,
22

1 the parties agree that this Court should continue to defer setting a schedule for
2 summary judgment briefing until after the Supreme Court rules in those cases.

3 The parties will file a joint status report with this Court within 30 days after
4 the Supreme Court issues its opinion(s) in *FDA v. Alliance for Hippocratic*
5 *Medicine*, No. 23-235 and *Danco Laboratories, LLC v. Alliance for Hippocratic*
6 *Medicine*, No. 23-236.

7
8 Meanwhile, the parties are conferring on matters related to the
9 administrative record and the Plaintiff States anticipate filing in the near term a
10 motion to supplement the record.
11
12
13
14
15
16
17
18
19
20
21
22
23

1 January 12, 2024

JAMES W. HARLOW
Acting Assistant Director

2 ROBERT W. FERGUSON
3 Attorney General

/s/ Noah T. Katzen
NOAH T. KATZEN

4 /s/ Kristin Beneski

Trial Attorney
Consumer Protection Branch
U.S. Department of Justice
P.O. Box 386
Washington, DC 20044-0386
(202) 305-2428
(202) 514-8742 (fax)
Noah.T.Katzen@usdoj.gov

5 NOAH GUZZO PURCELL,
6 WSBA #43492
Solicitor General

7 KRISTIN BENESKI, WSBA #45478
First Assistant Attorney General

8 COLLEEN M. MELODY,
WSBA #42275,

9 Civil Rights Division Chief

10 ANDREW R.W. HUGHES,
WSBA #49515

Counsel for Defendants

11 LAURYN K. FRAAS,

WSBA #53238

12 Assistant Attorneys General

13 TERA M. HEINTZ, WSBA #54921

Deputy Solicitor General

14 800 Fifth Avenue, Suite 2000

Seattle, WA 98104-3188

(206) 464-7744

15 *Attorneys for Plaintiff State of*
16 *Washington*

ELLEN F. ROSENBLUM
Attorney General of Oregon

KRIS MAYES
Attorney General of Arizona

/s/ Carla A. Scott

/s/ Daniel C. Barr

SANDER MARCUS HULL,
WSBA #35986
CARLA A. SCOTT, WSBA #39947
Senior Assistant Attorneys General
YOUNGWO JOH, OSB #164105
Assistant Attorney General
Trial Attorneys
Tel: (971) 673-1880
Fax: (971) 673-5000
marcus.hull@doj.state.or.us
carla.a.scott@doj.state.or.us
youngwoo.joh@doj.state.or.us
Attorneys for State of Oregon

Daniel C. Barr (Arizona No. 010149)
Chief Deputy Attorney General
Luci D. Davis (Arizona No. 35347)
Office of the Attorney General of
Arizona
2005 N. Central Ave.
Phoenix, AZ 85004-1592
Phone: (602) 542-8080
Email: Daniel.Barr@azag.gov
Luci.Davis@azag.gov
Attorneys for Plaintiff State of Arizona

PHILIP J. WEISER
Attorney General of Colorado

WILLIAM TONG
Attorney General of Connecticut

/s/ Eric Olson

/s/ Joshua Perry

ERIC OLSON, CO #36414
Solicitor General
MICHAEL MCMASTER,
CO #42368
Assistant Solicitor General
Office of the Attorney General
Colorado Department of Law
1300 Broadway, 10th Floor
Denver, CO 80203
Phone: (720) 508-6000
*Attorneys for Plaintiff State of
Colorado*

Joshua Perry
Solicitor General
Office of the Connecticut Attorney
General
165 Capitol Ave, Hartford, CT 06106
Joshua.perry@ct.gov
(860) 808-5372
Fax: (860) 808-5387
*Attorney for Plaintiff State of
Connecticut*

1 KATHLEEN JENNINGS
2 Attorney General of Delaware

3 /s/ Vanessa L. Kassab

4 VANESSA L. KASSAB
5 Deputy Attorney General
6 Delaware Department of Justice
7 820 N. French Street
8 Wilmington, DE 19801
9 302-683-8899
10 vanessa.kassab@delaware.gov
11 *Attorney for Plaintiff State of*
12 *Delaware*

9 DANA NESSEL
10 Attorney General of Michigan

11 /s/ Stephanie M. Service

12 Stephanie M. Service (P73305)
13 Assistant Attorney General
14 Michigan Department of Attorney
15 General
16 Health, Education & Family
17 Services Division
18 P.O. Box 30758
19 Lansing, MI 48909
20 (517) 335-7603
21 ServiceS3@michigan.gov
22 *Attorney for Plaintiff Attorney*
23 *General of Michigan*

KWAME RAOUL
Attorney General of Illinois

3 /s/ Caitlyn G. McEllis

4 Caitlyn G. McEllis (6306561)
5 Senior Policy Counsel
6 Office of the Illinois Attorney General
7 115 South LaSalle Street
8 Chicago, IL 60603
9 Phone: (312) 793-2394
10 Caitlyn.McEllis@ilag.gov
11 *Attorney for Plaintiff State of Illinois*

AARON D. FORD
Attorney General of Nevada

11 /s/ Heidi Parry Stern

12 Heidi Parry Stern (Bar. No. 8873)
13 Solicitor General
14 Office of the Nevada Attorney General
15 555 E. Washington Ave., Ste. 3900
16 Las Vegas, NV 89101
17 HStern@ag.nv.gov
18 *Attorney for Plaintiff State of Nevada*

1 RAÚL TORREZ
2 Attorney General of New Mexico

3 /s/ Aletheia Allen
4 Aletheia Allen
5 Solicitor General
6 Executive Office
7 State of New Mexico Department of
8 Justice
9 201 Third St. NW, Suite 300
10 Albuquerque, NM 87102
11 505-527-2776
12 AAllen@nmag.gov
13 *Attorney for Plaintiff State of New*
14 *Mexico*

15 CHARITY R. CLARK
16 Attorney General of Vermont

17 /s/ Douglas Keehn
18 DOUGLAS KEEHN
19 Assistant Attorney General
20 109 State Street
21 Montpelier, VT 05609-1001
22 (802)793-3892
23 douglas.keehn@vermont.gov
24 *Attorney for Plaintiff State of Vermont*

PETER F. NERONHA
Attorney General of Rhode Island

/s/ Julia C. Harvey
JULIA C. HARVEY #10529
Special Assistant Attorney General
150 S. Main Street
Providence, RI 02903
(401) 274-4400 x2103
Attorney for Plaintiff State of Rhode
Island

BRIAN L. SCHWALB
Attorney General for the District of
Columbia

JENNIFER C. JONES
Deputy Attorney General
Public Advocacy Division
WILLIAM STEPHENS
Assistant Deputy Attorney General
Public Advocacy Division

/s/ Nicole S. Hill
NICOLE S. HILL
Assistant Attorney General
Office of the Attorney General for the
District of Columbia
400 Sixth Street, N.W.
Washington, D.C. 20001
(202) 727-4171
nicole.hill@dc.gov
Attorneys for Plaintiff District of
Columbia

1 ANNE E. LOPEZ
2 Attorney General

AARON M. FREY
Attorney General

3 /s/ Erin N. Lau

4 Erin N. Lau 009887
5 465 South King St., Room 200
6 Honolulu, Hawaii 96813
7 Erin.N.Lau@hawaii.gov
8 *Counsel for the State of Hawaii*

/s/ Halliday Moncure

Halliday Moncure, Bar No. 4559
Assistant Attorney General
Office of the Maine Attorney General
6 State House Station
Augusta, ME 04333-0006
(207) 626-8800
halliday.moncure@maine.gov

8 ANTHONY G. BROWN
9 Attorney General of Maryland

KEITH ELLISON
Attorney General
State of Minnesota

10 /s/ Joshua M. Segal

11 JOSHUA M. SEGAL*
12 Assistant Attorney General
13 Office of the Attorney General of
14 Maryland
15 200 Saint Paul Place, 20th Floor
16 Baltimore, Maryland 21202
17 (410) 576-6427
18 jsegal@oag.state.md.us
19 *Attorney for Plaintiff State of*
20 *Maryland*

/s/ Liz Kramer

LIZ KRAMER (#0325089)
Solicitor General
JENNIFER OLSON (#0391356)
Assistant Attorney General
445 Minnesota Street, Suite 1400
St. Paul, Minnesota 55101-2131
(651) 757-1010 (Voice)
(651) 282-5832 (Fax)
liz.kramer@ag.state.mn.us
jennifer.olson@ag.state.mn.us
Attorneys for Plaintiff State of
Minnesota

1 MICHELLE A. HENRY
2 Attorney General of Pennsylvania

*Applications for pro hac vice
admission forthcoming

3 /s/ Jill M. Graziano

JILL M. GRAZIANO

4 (Pa Bar No. 82725)

5 Chief Counsel to the Attorney
General

6 1000 Madison Ave., Ste. 310

Norristown, PA 19403

7 jgraziano@attorneygeneral.gov

(484) 460-1330

8 *Attorney for the Commonwealth of*
9 *Pennsylvania*

CERTIFICATE OF SERVICE

I hereby certify that, on January 12, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Noah T. Katzen
NOAH T. KATZEN